IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 244 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JANI RAMESHBHAI MAVJIBHAI - Applicant(s)

Versus

VASANTBEN BACHUBHAI PANDYA & 1 - Respondent(s)

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Appearance :

MR BIPIN I MEHTA for Applicant(s) : 1,
MR KETAN A DAVE for Respondent(s) : 1,
MR HM PRACHCHHAK, APP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 04/10/2005

ORAL JUDGMENT

1. By filing instant Criminal Revision Application under Section 397 read with Section 401 of the Code of Criminal Procedure ('the Code' for short), the petitioner-husband seeks to challenge the judgment and

order dated 30.4.2002 rendered in Misc.Criminal Application No.1520 of 2000 by the learned JMFC, Bhavnagar, by which the application filed by the respondent No.1 – wife under Section 125 of the Code to get maintenance for herself and her minor son vishal came to be allowed, and thereby respondent No.1 has been awarded Rs.500/- per month as maintenance and minor vishal has been awarded Rs.300/- per month as maintenance from the petitioner, and accordingly the petitioner was directed to pay Rs.800/- per month as maintenance to respondent No.1 and her minor son vishal.

2. Having heard Mr.Bipin Mehta, learned advocate of the petitioner and Mr.H.M.Prachchhak, learned APP for the respondent No.2 – State of Gujarat and having perused the impugned judgment and order dated 30.4.2002 and set of evidence which has been supplied by Mr.Mehta during the course of his submissions, according to this Court, there is no infirmity or illegality committed by the learned Magistrate in passing the impugned order. The learned Magistrate has given cogent and convincing reasons on issue no.1 that the wife (respondent No.1 herein) was justified in staying separately as she was disliked by her husband.

The learned Magistrate has also given cogent reasons for awarding Rs.800/- per month in view of the income of the husband which is Rs.1500/- per month.

3. In aforesaid view of the matter, according to this Court, this revision application lacks merit and deserves to be rejected.

4. For the foregoing reasons, the petition fails and accordingly it is rejected. Rule is discharged.

(A.M. Kapadia, J.)

syed/